

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ADRIAN LEWIS CHATEN,

Plaintiff,

v.

RONALD VAN BOENING, DANIEL
FITZPATRICK, MIKE HINES,
MICHAEL A. FLEMMING, RYAN T.
DENZER, and GEORGE GILBERT,

Defendants.

No. 09-5615 RJB/KLS

ORDER GRANTING DEFENDANTS'
MOTION TO STAY DISCOVERY

Before the Court is Defendants' motion to stay discovery of this matter pending resolution of their pending motion to dismiss. Dkt. 37. For the reasons stated below, the Court finds that the motion should be granted.

PROCEDURAL BACKGROUND

On October 1, 2009, Plaintiff, Adrian Lewis Chaten, filed a proposed civil rights complaint and a motion for leave to proceed *in forma pauperis*. Dkt. 1. On October 26, 2009, the court granted Plaintiff's motion to proceed *in forma pauperis*, docketed his complaint, and ordered the Plaintiff to amend his complaint. Dkts., 4, 5, and 6. Plaintiff filed his First Amended Complaint on January 7, 2010. Dkt. 9. He alleges that Defendants violated his due process and equal protection rights when they held him in administrative segregation pending an

1 investigation that he attacked another inmate and following the investigation, placed him in an
 2 unidentified "program." Dkt. 9.

3 On July 26, 2010, Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P.
 4 12(b)(6), arguing that Plaintiff has failed to state a claim upon which relief can be granted and
 5 that he has failed to allege the personal participation of Defendants Fitzpatrick and Van Boening.
 6 Dkt. 37. Defendants also request that all discovery be stayed pending the court's resolution of
 7 the motion to dismiss. Plaintiff has not filed a response to the motion to dismiss.
 8


9 DISCUSSION

10 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
 11 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit
 12 discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while
 13 a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at
 14 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).
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16 The court agrees that the parties should not face the burden and expense of responding to
 17 discovery as to claims that may not survive the pleading stage. Accordingly, it is **ORDERED:**

- 18 (1) Defendants' motion to stay discovery (Dkt. 37) is **GRANTED**.
- 19 (2) All discovery is **STAYED** pending further order of this Court.
- 20 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

21 DATED this 4th day of October, 2010.

22
 23 
 24 Karen L. Strombom
 25 United States Magistrate Judge
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